

SENATE CHAMBER, }
AUSTIN, TEXAS, Monday, January 16, 1871. }

Senate met pursuant to adjournment; Hon. Don. Campbell, President, in the chair

Prayer by the Chaplain.

Roll called; quorum present.

Absent—Senator Clark.

Journal of yesterday read and adopted.

Senator Pettit asked permission to pair off with Senator Clark.

Granted.

Senator Ruby, Chairman of Select Committee to notify the Governor and House of Representatives that the Senate was organized and ready to proceed to business, reported duty performed, and asked to be discharged.

Report adopted.

Senator Ruby moved the adoption of the resolution offered by himself on Saturday last, in reference to seating R. Hildebrandt in place of E. L. Alford, of the Twenty-sixth Senatorial District.

On motion of Senator Flanagan, a call of the Senate was ordered.

Absent—Senator Pyle.

Sergeant-at-Arms was dispatched for absent Senators.

Senator Pyle appearing, on motion of Senator Mills, call of the Senate was suspended.

Senator Bell moved the previous question.

Seconded.

Senator Bowers made a point of order that the resolution must be laid over one day before its adoption.

The Chair ruled against the point of order.

Senator Pickett made the following point of order:

That the Senate was now full, with thirty Senators answering to their names, and that a resolution to seat a thirty-first Senator, without first declaring a vacancy, was in violation of the Constitution, and out of order.

The President decided the point not well taken,

Whereupon Senator Pickett appealed from the decision of the Chair.

The roll having been called, and before the vote was announced, Senator Pickett moved Senator Alford's name be called upon question of appeal.

Senator Bell made the point that no other question could be entertained pending question of appeal.

Point sustained, and vote upon Senator Pickett's appeal announced as follows:

Yeas—Senators Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Rawson, Ruby, Saylor and Tendick—13.

Nays—Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle and Shannon—13.

So the Chair was sustained.

Senator Douglas rose to a point of order, that the Senate had not thoroughly organized; no committees had been appointed to which business could be referred, and therefore the resolution was out of order.

President ruled that all questions other than the main question were out of order.

Senator Douglas appealed from the decision of the Chair.

The President decided the appeal impertinent to the main question, and would not be entertained.

The yeas and nays being called on the proposition, "Shall the main question be not put?" resulted as follows.

Yeas—Senators Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Rawson, Ruby, Saylor, Tendick and Mr. President—14.

Nays—Senators Bowers, Broughton, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle and Shannon.—13.

So the main question was ordered which being the adoption of the resolution.

Senator Cole moved to adjourn 'till 10 o'clock to-morrow.

Motion lost by the following vote:

Yeas—Senators Alford, Bowers, Broughton, Clark, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen and Shannon—15.

Nays—Senators Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick and Mr. President—15.

Senator Ruby called for the yeas and nays on the main question, which being the adoption of the resolution and preambles.

Senator Bowers asked for a division of the question.

Division ordered.

Yeas and nays on adoption of preamble stood as follows:

Yeas—Senators Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick and Mr. President—15.

Nays—Senators Bowers, Broughton, Clark, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle and Shannon—14.

Question recurring upon the adoption of the resolution, the yeas and nays were demanded, and stood as follows:

Yeas—Senators Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick and Mr. President—15.

Nays—Senators Bowers, Broughton, Clark, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, and Shannon—14.

Senator Bowers asked leave to change his vote.

Granted.

Senator Bowers moved to reconsider the vote just taken on resolution, and to postpone consideration of said motion until next Thursday.

Senator Saylor moved to lay both motions on the table.

Senator Flanagan moved to adjourn to 10 o'clock, A. M., tomorrow.

Carried by the following vote:

Yeas—Senators Bowers, Broughton, Clark, Cole, Dillard, Dohoney, Douglas, Evans, Flanagan, Latimer, Pickett, Pridgen, Pyle, Shannon, and Mr. President—15.

Nays—Senators Baker, Bell, Ford, Fountain, Gaines, Hertzberg, Mills, Parsons, Pettit, Rawson, Ruby, Saylor Tendick—14.

Pending Senator Saylor's motion to lay Senator Bowers' motion on the table.